

REFUSED TO SWEAR, BOOMED HIS PAL

Murray Perspired When Cross-Examined, Then Finally Gave In.

"HELL," SAID MALLOY.

Now Both Worthies Will Go to Prison for Robbing Jeweller of Tray of Rings.

After persuading his brother and sister-in-law to perjure themselves in his behalf, James Malloy, a forceful youth, on trial for burglary to-day before Judge Cowing, placed his pal, John Murray, on the stand. Murray is twenty-four years old, Malloy eighteen. They went to school together.

Murray and Malloy were jointly indicted for robbing Israel Rauth, a jeweller of No. 415 Eighth avenue on Feb. 20. Murray held a pistol against Rauth, while Malloy picked up a tray of diamond rings and made away with it. Murray pleaded guilty before Judge O'Sullivan yesterday and came in to Malloy's trial to clear him.

He took the oath and solemnly testified that Malloy was not his partner in the robbery. Malloy's brother and sister had just sworn that Malloy was eating his dinner at their home, half a mile from the scene of the robbery, at the time it occurred. Malloy was grinning from ear to ear.

Assistant District Attorney Garvan on cross-examination, after a few questions, walked up to Murray and looked him right in the eyes. Murray quivered and twisted after a bit, unable to meet Mr. Garvan's gaze.

"Now, see here, Murray," said the Assistant District Attorney, "you look to me like a man with some common sense. You know that the penalty for perjury is ten years in prison. Remember that you are on oath. Now I am going to ask you, solemnly, was Malloy with you when you committed that robbery?"

Murray crossed and uncrossed his legs and gripped the arm of the witness chair. Perspiration covered his face like moisture on the outside of a water cooler on a hot day. There was not a sound in the courtroom. Malloy tried his best to catch Murray's eye, but was unable to do so. At last Murray spoke. His face and throat were so dry, that he could do no more than whisper. Judge Cowing heard him say: "Oh, hell!" broke in Malloy. "It's all up now. I plead guilty."

POLICE ON TRIAL FOR DUST IN STATIONS.

Two police captains, three sergeants and eight doormen were put on trial to-day at Police Headquarters on charges resulting from a recent inspection of station-houses by Deputy Waldo.

The Deputy Commissioner found dust and dirt in quantities and immediately ordered charges preferred. The captains on trial were Capt. Ward, of the West Thirty-seventh street, and Capt. Hendry, of the West Sixty-sixth street station. The sergeants were Huggan, McGlinch and Kenny, of the West Thirtieth, Thirty-seventh and Sixty-sixth street stations. The doormen are from the same stations and from the West Twenty-second street. Former City Magistrate O'Brien was present to defend the doormen.

POLICE BRAVERY MUST BRING PROMOTION.

(Special to The Evening World.) ALBANY, March 15.—Senator Quinn introduced to-day a bill providing that all patrolmen who have won any of the four big medals given each for distinguished bravery shall on parade day be promoted to roundmen.

FAIR GROUNDS ENTRIES.

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2. Sweet Favor.....99
3. Buttercup.....111
4. Monia.....102
5. Hammett.....91
6. Cut Glass.....94
7. Simon Kent.....113
8. Fromack.....110
9. Mazoni.....100
10. Lathum.....100
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MRS. TODD'S HEIRS LOSE WILL FIGHT

Document of 1902 Making Ingersoll Lockwood Executor Admitted to Probate.

Surrogate Fitzgerald to-day admitted to probate the will of Margaretta Todd, dated 1902, and presented by Ingersoll Lockwood, named as executor. Lockwood, who is already in charge of the old woman's estate under a deed of trust, made by her long before her tragic death on the railroad tracks in Fairmount Park, Philadelphia, last October, had waived a \$500 bequest under the will.

Mrs. Todd's daughter, Mrs. Frank Tinsley, had a grandson contested the will. They claimed that a letter will was stolen from the old woman's desk. This important witness to-day was Miss Jennie Pain, for seven years Mrs. Todd's companion. She said Mrs. Todd told her her will and other papers and been stolen from her desk. She had seen a will in Mrs. Todd's possession shortly before her death. "Did you know the will presented here contains a \$1,000 legacy for you?" "I did not."

Later Miss Pain said the will in evidence was, she believed, the one Mrs. Todd had shown her. Surrogate Fitzgerald gave his decision. An appeal will be taken.

TOMBS CELLS ARE ALL OVERCROWDED

Sentence Day and Extra Term of Supreme Court, Criminal Branch, to Give Some Relief.

Not since the new Tombs was finished has the prison been so crowded to-day. The courts are unable to dispose of criminal cases rapidly enough to keep the population of the city prison thinned out.

There are thirty-one persons in the Tombs under indictment for murder in the first degree. In order that these may be disposed of there will be two terms of the Criminal Branch of the Supreme Court next month. Justice Dowling will preside at one and Justice Dugan at the other. The courts at noon to-day showed 27 male and 18 female prisoners. These are crowded two or three to a cell, and Warden Ryan is afraid of an epidemic of sickness if the rush continues.

Some measure of relief will be afforded by the General Sessions judges, who will devote the whole of to-morrow to sentencing prisoners who have been convicted. There are seventy-six of these on the list.

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FOURTH RACE—One and one-half furlongs; selling; \$400.
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2. Merry George.....103
3. Cloverhampton.....101
4. Apprentice allowance.....101

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FIRST RACE—Three and one-half furlongs; selling; \$400.
1. Albert.....113
2. Sweet Favor.....99
3. Buttercup.....111
4. Monia.....102
5. Hammett.....91
6. Cut Glass.....94
7. Simon Kent.....113
8. Fromack.....110
9. Mazoni.....100
10. Lathum.....100
SECOND RACE—Three and one-half furlongs; selling; \$400.
1. Billy Woodard.....108
2. Bluebell.....108
3. Trepan.....105
4. Wilkey.....105
5. Gemini.....105
6. Major Carpenter.....105
7. Alouette.....104
8. Judge Traynor.....104
9. Julia M.....100
10. Dandall.....99
THIRD RACE—Six furlongs; selling; \$400.
1. Fugate.....109
2. Double.....109
3. Charlie Dickson.....104
4. Teddy.....105
5. Jack Adams.....105
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